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9 UNITED STATES BANKRUPTCY COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 In re: Case No. 10-14154  
12 Douglas Duell Chapter 13  
13 Debtor  
14 Douglass Duell  
15 Plaintiff  
16 Bank of America  
17 Defendant

18 AP No 10-01155  
19 REQUEST FOR ENTRY OF DEFAULT JUDGMENT VALUING LIEN OF BANK OF  
20 AMERICA AT \$0 AND AVOIDING LIEN UPON DISCHARGE

21 On November 11, 2010 Debtor filed an adversary proceeding to value and avoid the  
22 junior lien held by Defendant Lienholder Bank of America which affects 16744 Glenda Drive,  
23 Guerneville, CA 95446 (APN 071-120-034-000), which lien was recorded in the Sonoma  
24 County Recorder's Office on or about 9/02/2004 as document 2004135883 (hereinafter the Lien).  
At a hearing on May 23, 2011, Defendant Lienholder Bank of America did not appear, and the  
court entered Defendant Lienholder's default. Therefore, Plaintiff Debtor requests that the court  
grant the attached proposed order and judgment.

25 Date: June 13, 2011 /s/ Evan Livingstone  
Evan Livingstone  
Attorney for Debtor

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8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 10-14154  
Douglas Duell Chapter 13  
11 Debtor  
Douglass Duell  
12 Plaintiff  
Bank of America  
13 Defendant

14 \_\_\_\_\_ / **AP No 10-01155**

15 PROPOSED ORDER AND JUDGMENT VALUING LIEN AS \$0

16 AND AVOIDING LIEN UPON DISCHARGE OF DEBTOR

17 On November 11, 2010 Debtor filed a complaint to value the lien of Bank of America  
18 (hereinafter Lienholder) against the property commonly known as 16744 Glenda Drive,  
19 Guerneville, CA 95446, Sonoma County AP #071-120-034-000, which lien was recorded in the  
20 Sonoma County Recorder's Office on or about 9/02/2004 as document 2004135883 (hereinafter  
21 the Lien).

22 At a hearing on May 23, 2011, Defendant Lienholder Bank of America did not appear,  
23 and the court entered Defendant Lienholder's default. Therefore, the court hereby orders as  
24 follows.

1 (1) For purposes of Debtor's chapter 13 plan only, the Lien of Bank of America is valued  
2 at zero, does not have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C.  
3 §§ 506, 1322 (b)(2) and 1327.

4 (2) This order shall become part of Debtor's confirmed chapter 13 plan.

5 (3) Upon entry of a discharge in Debtor's chapter 13 case, the Lien shall be voided for all  
6 purposes, and upon application by Debtor, the court will enter an appropriate form of judgment  
7 voiding the Lien.

8 (4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter  
9 before Debtor obtains a discharge, this order shall cease to be effective and the Lien shall be  
10 retained to the extent recognized by applicable non-bankruptcy law, and upon application by the  
11 lienholder, the court will enter an appropriate form of order restoring the Lien.

12 (5) Except as provided by separate, subsequent order of this court, the Lien may not be  
13 enforced so long as this order remains in effect.

14 \*\* END OF ORDER \*\*  
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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re:	Case No.	10-14154
Douglas Duell	Chapter	13
Debtor		
Douglass Duell		
Plaintiff		
Bank of America		
Defendant		

**AP No 10-01155**

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2011, pursuant to BR Local Rule 9014-1(b)(4), a copy of above REQUEST FOR ENTRY OF DEFAULT JUDGMENT VALUING LIEN OF BANK OF AMERICA AT \$0 AND AVOIDING LIEN UPON DISCHARGE as well as a copy of Debtor(s) PROPOSED ORDER ON MOTION TO VALUE LIEN OF SECURED CREDITOR AS \$0 AND AVOID LIEN ON DISCHARGE, was served, to the United States Trustee and the Chapter 13 Trustee, electronically and to the creditor listed below by first-class mail.

Brian T. Moynihan, CEO and President  
c/o Benjamin Nachimson  
Law Offices OF Benjamin Nachimson  
11755 Wilshire Boulevard, Fifteenth Floor  
Los Angeles, California 90025  
Date: June 13, 2011 /s/ Evan Livingstone  
Evan Livingstone